

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAX STUCK, individually and on behalf of
similarly situated individuals,

Plaintiff,

v.

DOT FOODS, INC., an Illinois Corporation,

Defendant.

Case No. 1:23-cv-07993

Hon. Andrea R. Wood

**STIPULATION AND JOINT REQUEST FOR
REMAND OF ACTION**

COME NOW Plaintiff Max Stuck (“Plaintiff”) and Defendant Dot Foods, Inc. (“Dot Foods”) (collectively, the “Parties”), by and through their respective undersigned counsel, and hereby stipulate, consent, and agree to remand of this action to the Circuit Court of Cook County, Illinois, and request that the Court enter order remanding the case consistent herewith. In support hereof, the Parties state as follows:

1. Dot Foods removed this putative class action asserting claims under the Illinois Genetic Information Privacy Act (“GIPA”) from the Circuit Court of Cook County, Illinois to this Court pursuant to the Class Action Fairness Act of 2005 (“CAFA”). (*See* Notice of Removal (Doc. #: 1).)

2. Plaintiff subsequently filed a Motion to Remand or, in the Alternative, for Leave to Conduct Jurisdictional Discovery (“Plaintiff’s Motion to Remand”), seeking to remand the action under the discretionary remand, home-state, or local-controversy exceptions to the exercise of subject-matter jurisdiction under CAFA, as set forth in 28 U.S.C. § 1332(d)(3)-(4). (*See* Pl.’s Mot.

to Remand or, in the Alternative, for Leave to Conduct Jurisdictional Discovery (Doc. #: 8).) In the alternative, Plaintiff requested leave to conduct jurisdictional discovery. (*See id.*)

3. On October 10, 2023, the Court held a telephonic initial status hearing and, after brief argument from the Parties, granted Plaintiff's request for leave to conduct jurisdictional discovery and terminated his Motion to Remand without prejudice and subject to renewal. (*See* Notification of Docket Entry (Doc. #: 9).)

4. Thereafter, the Parties engaged in jurisdictional discovery and discussions regarding the materials produced by Dot Foods, the exceptions to subject-matter jurisdiction under CAFA Plaintiff cited in his Motion to Remand, and whether the Parties could reach an agreed resolution of the issues raised in Plaintiff's Motion to Remand in a good-faith effort to streamline proceedings and conserve party and judicial resources.

5. The Parties eventually reached an agreement regarding Plaintiff's Motion to Remand, as described in the Parties' Joint Status Report, filed February 9, 2024. (*See* Joint Status Report (Doc. #: 15).)

6. Based on the foregoing, the Parties hereby stipulate, consent, and agree to remand of this action to the Circuit Court of Cook County, Illinois, with each party to bear his and its own costs, expenses, and attorneys' fees associated with removal and remand, and request that the Court so remand the matter.

WHEREFORE, the Parties respectfully request that the Court enter an order remanding this action to the Circuit Court of Cook County, Illinois, with each party to bear his and its own costs, expenses, and attorneys' fees associated with removal and remand, and awarding such other and further relief as may be just and proper under the circumstances.

Respectfully submitted,

Dated: February 14, 2024

By: /s/ David L. Gerbie (by consent)

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